

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

120236

**FILE:** B-210083**DATE:** December 28, 1982**MATTER OF:** Ace Van & Storage Company**DIGEST:**

1. GAO will not consider an allegation that a low bidder cannot comply with a solicitation's general licensing requirement because this is a matter to be resolved between State and local authorities and the contractor and only in limited situations concerns an affirmative finding of responsibility which is not reviewed by GAO except under circumstances not present here.
2. A protest challenging an affirmative determination of responsibility that is based on an allegation that a bidder is unable to comply with Equal Employment Opportunity requirements is not a basis of protest that GAO will review.

Ace Van & Storage Company protests an anticipated award to Allstate Van & Storage, Inc. under Invitation for Bids (IFB) N00244-83-B-0751 issued by the Naval Supply Center, San Diego. According to Ace, Allstate has not and cannot comply with the Equal Employment Opportunity (EEO) requirements implemented in Defense Acquisition Regulation § 12 part 8 (1976 ed.). Ace also asserts that Allstate and its subcontractors will be unable to obtain necessary operating authority and permits in time to comply with all applicable "laws, ordinances, statutes and regulations." We dismiss the protest.

Ace's contention concerning Allstate's alleged inability to obtain necessary operating authority and permits ordinarily is not a basis to reject a low bidder as nonresponsible where the solicitation requires in general terms that the successful bidder obtain all necessary permits and licenses, since this is a matter to be resolved between the contractor and the State and local authorities. Morris Moving & Storage, B-206726, June 15, 1982, 82-1 CPD 586. It is only where the State and local

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authorities indicate that the lack of a State or local license will result in enforcement attempts that are likely to interrupt performance if the contract is awarded to an unlicensed bidder that a general licensing requirement can be properly considered in determining the bidder's responsibility. See id. at 3. Interstate Commerce Commission operating authority also concerns bidder responsibility. Allison-Hilliard Van & Storage, B-201621, February 9, 1981, 81-1 CPD 82. We do not review protests against affirmative determinations of responsibility (except where fraud on the part of Government officials is shown or it is alleged that definitive responsibility criteria have not been met) and consequently do not consider a complaint that a low bidder does not comply with a general licensing requirement that necessarily involves a bidder's responsibility. Id.

To the extent that Ace alleges that Allstate is not responsible because it will be unable to comply with the EEO requirements, this challenge to an affirmative determination of responsibility is not, as just stated, a basis of protest which we will review.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel